

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 2nd day of August, Two thousand and six.

PRESENT:

HON. GUIDO CALABRESI,
HON. SONIA SOTOMAYOR,
HON. BARRINGTON D. PARKER,
Circuit Judges.

Spiro Zoi,
_____ *Petitioner,*

v.

Alberto R. Gonzales, United States Attorney General,

_____ *Respondent.*

No. 05-4990-ag
NAC

FOR PETITIONER: Matthew D. Baxter, Huntingdon Valley, Pennsylvania.

FOR RESPONDENT: Dunn Lampton, United States Attorney for the Southern District of Mississippi, Alfred B. Jernigan, Jr., Assistant United States Attorney, Jackson, Mississippi.

UPON DUE CONSIDERATION of this petition for review of an order of the Board of Immigration Appeals (“BIA”), IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the petition for review is DENIED.

Petitioner Spiro Zoi petitions for review of an August 17, 2005 decision of the BIA

1 affirming the decision of Immigration Judge (“IJ”) Noel Anne Ferris, which denied his
2 application for asylum, withholding of removal and relief under the Convention Against Torture
3 (“CAT”). We assume the parties’ familiarity with the facts and procedural history of the case.

4 When the BIA issues an opinion that fully adopts the IJ’s decision, this Court reviews the
5 IJ’s decision. *See, e.g., Chun Gao v. Gonzales*, 424 F.3d 122, 124 (2d Cir. 2005). This Court
6 reviews the agency’s factual findings, including adverse credibility determinations, under the
7 substantial evidence standard. 8 U.S.C. § 1252(b)(4)(B).

8 In the present case, substantial evidence supports the IJ’s adverse credibility
9 determination. Given the inconsistent testimony, evidentiary discrepancies, and lack of
10 corroborative evidence, the IJ reasonably concluded that Zoi was not persecuted nor had a well-
11 founded fear of persecution. Because the IJ’s adverse credibility finding was supported by
12 substantial evidence, the IJ also reasonably denied Zoi’s withholding of removal claim.

13 Even if the Court were to determine that Zoi’s due process claims were properly before it,
14 despite his failure to exhaust the factual predicate for the claims with the BIA, a review of the
15 record provides no support for Zoi’s assertion that he was denied a fundamentally fair
16 proceeding. Issues not argued in briefs are considered waived and will not normally be
17 addressed on appeal. *See Yueqing Zhang v. Gonzales*, 426 F.3d 540, 545 n.7 (2d Cir. 2005).
18 Because Zoi failed to raise his claim before this Court, he has waived any challenge to his CAT
19 denial.

20 Accordingly, the petition for review is DENIED.

21
22 FOR THE COURT:
23 Roseann B. MacKechnie, Clerk
24

25 By: _____
26 Oliva M. George, Deputy Clerk